

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS WASHAM,	:	CIVIL ACTION NO. 1:16-CV-564
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
LAWRENCE MAHALLY,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 9th day of May, 2016, upon consideration of the petition (Doc. 1) for writ of habeas corpus filed by petitioner and state prisoner Thomas Washam (“Washam”), and further upon consideration of the report (Doc. 3) of Chief Magistrate Judge Martin C. Carlson, recommending the court transfer the matter *sub judice* to the United States District Court for the Eastern District of Pennsylvania, the district encompassing the state court wherein Washam was convicted and sentenced, (see id. at 1-3), and it appearing that Washam did not object to the report, see FED. R. CIV. P. 72(b)(2), but instead filed two documents of largely unintelligible content purporting to restate the bases for his challenge to his state conviction and sentence, (see Docs. 5-6), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to

dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of Washam’s petition, the court in agreement with Judge Carlson’s recommendation that the interests of justice support transfer of this matter to the Eastern District of Pennsylvania, see In re Nwanze, 242 F.3d 521, 526 n.2 (3d Cir. 2001) (citing In re Dorsainvil, 119 F.3d 245, 252 (3d Cir. 1997)), and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 3) of Chief Magistrate Judge Carlson is ADOPTED.
2. The Clerk of Court is directed to TRANSFER this matter to the United States District Court for the Eastern District of Pennsylvania.
3. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania